IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5568 OF 2004

Ashrafilal Shyamraj Yadav ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Niranjan Mundargi for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 14, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. It is seen that the deceased was assaulted with fist blows. The deceased was admitted to hospital and eventually succumbed to renal failure, which can be related clinically to the assault of the deceased. Be that as it may, taking overall view of the matter, coupled with the fact that the Applicant was enlarged on bail on the basis that

the offence was under Section 326 read with Section 34 of the Indian Penal Code, but after the death of the deceased, it has been converted to Section 302 read with Section 34 of the Indian Penal Code, the Applicant can be enlarged on bail on following strict conditions:

(a) The Applicant is enlarged on bail in connection with C.R.No.77/04 registered with Ghatkopar Police Station on executing personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with two local sureties in the like amount.

(b) The Applicant shall report to the Investigating Officer once in fortnight on Saturday between 10.00 a.m. and 12.00 p.m.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the

opinion that the Applicant is responsible for the delay of the trial, that can be a ground for cancellation of bail.

. Application disposed of on the above terms.

A.M.KHANWILKAR, J.